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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/996,596	11/30/2001	Hideo Awaji	040302-0281	4101

22428 7590 10/31/2003

FOLEY AND LARDNER  
SUITE 500  
3000 K STREET NW  
WASHINGTON, DC 20007

EXAMINER

KERVEROS, JAMES C

ART UNIT	PAPER NUMBER
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2858

DATE MAILED: 10/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/996,596

Applicant(s)

AWAJI, HIDEO

Examiner

James C Kerveros

Art Unit

2858

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 10 and 11 is/are rejected.
- 7) ☒ Claim(s) 5-9 and 12-16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

The abstract of the disclosure is objected to because the abstract should be limited to a single paragraph. Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### ***Claim Objections***

Claims 5 and 6 are objected to because in claim 5, on lines 1-2, "the conductor" lacks antecedent basis. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 1-6, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reed et al. (US 4335348).

Regarding Claims 1 and 10, Reed discloses an apparatus and method for testing shielded, multipair cables to verify conductor and splice continuity, comprising:

A charged body (exciting core 120 and winding 122) arranged near an electrical wire, which is part of the insulated conductor 106 grouped as bundle in cable 1, Figure 1, for magnetically coupling, through the exciting core 120, the excitation source (110) to the electrical wire. The charged body is electrically insulated from the electrical wire through the insulation of conductor 106.

A voltage measurement unit, such as detector means, comprising winding 123 and core 121, rectifier 131 and amplifier 140, for sensing the strength of the signal induced in the electrical wire of conductor 106 and establishing the level of the induced signal at the output of amplifier 140, on lead 305.

Reed does not disclose an electrical wire for supplying a power to a motor. However, the insulated conductor 106, disclosed by Reed, comprises a wire, which carries electrical signal to a customer premise. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to use a conductor for supplying an electrical power signal to a motor, in the device of Reed, since the electrical wire of the conductor supplies electrical signal.

Regarding Claims, 2 and 11, Reed discloses an apparatus and method for testing shielded, multipair cables to verify conductor and splice continuity, comprising the recited limitations in claims 1 and 10, above. Reed does not disclose a conductor, which is electrically connected to a motor electrical wire for supplying a power to the motor. The insulated conductor 106, disclosed

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by Reed, carries electrical signal to a customer premise. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to electrically connect a conductor to a motor electrical wire for supplying a power to the motor, in the device of Reed, since the conductor is used to supply electrical signal.

Regarding Claim 3, Reed discloses a charged body of an AC electrical wire comprising (winding 122) in which an AC alternating current flows, supplied by the AC excitation source (110).

Regarding Claim 4, Reed does not disclose AC electrical wire as a power line of for supplying a power to a control device of the motor arranged along the motor electrical wire. Reed discloses insulated conductor 106, which carries electrical signal to a customer premise. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to use the electrical wire of the conductor as power line, for supplying an electrical power to a control device of a motor, in the device of Reed, since the electrical wire of the conductor is used to supply electrical signal.

Regarding Claims 5, 6, Reed discloses a conductor 106 comprising a wire and insulation, such as a shield, which covers the AC electrical wire. The electrical wire and the shield of the conductor are accommodated in a conductive case (shield 104), which is grounded, as shown in Figure 1.

#### ***Allowable Subject Matter***

Claims 7-9 and 12 –16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James C Kerveros whose telephone number is (703) 305-1081. The examiner can normally be reached on 9:00 AM TO 5:00 PM.

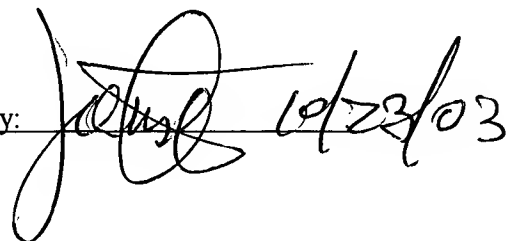
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached on (703) 305-9595. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

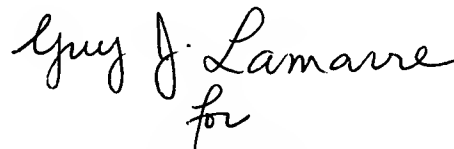
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4900.

James C Kerveros  
Examiner  
Art Unit 2858

U.S. PATENT OFFICE  
Examiner's Fax: (703) 746-4461  
Email: [james.kerveros@uspto.gov](mailto:james.kerveros@uspto.gov)

Date: 22 October 2003  
File: Non-Final Rejection

By:  10/23/03

  
for  
Albert DeCady  
Primary Examiner